IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.486 OF 2006
IN
SUIT NO.3777 OF 1997

Shantanu Nanubhai Desai ..Plaintiff.

Vs.

Dushant N. Desai & Ors. ..Defendants.
And
Darshan Shantanu Desai & Ors. ..Respondents.

Mr.Naushad Engineer i/b.R.M.G. Law & Associates for the Plaintiff.

Ms.Hansa Advani i/b.Mr.Sagheer A. Khan for Defendant Nos.1, 2 and 3.

CORAM : S.J. VAZIFDAR, J.
DATED : 14TH AUGUST, 2007

P.C. :

The Plaintiff expired on 10th November, 2004. On 10th February, 2005 the Respondents took out a Chamber Order for bringing themselves on record. As there was a delay of one day, the Prothonotary and Senior Master, by an order dated 9th March, 2005 directed the Respondents to take out a Chamber Summons. Accordingly, the present Chamber Summons was filed on 31st March, 2005. In the above circumstances, there cannot be said to be any delay in the matter.

2. The Chamber Summons is therefore made absolute

in terms of prayers (a) to (d).

3. The amendment shall be carried out within four weeks from today.

4. It is however clarified that the amendment shall be as per the schedule annexed to the affidavit in rejoinder dated 30th July, 2007 and not as per the schedule annexed to the Chamber Summons.